

REMARKS

With entry of this Amendment, claims 1-3, 5-16, and 18-46 are pending in the above-identified application. Claims 10-16, 18-37, 39, 40, 42, 43, 45, and 46 are allowed. Claims 1-3, 5, and 7-9 are rejected as allegedly unpatentable under 35 U.S.C. § 103(a). Claims 4, 6, 38, 41, and 44 are objected to as dependent on rejected base claims.

Claims 1 and 2 have been amended to incorporate the limitation from claim 4. Claims 3 and 26 have been amended to correct the spelling of "polysaccharide." Claims 4 and 47-55 have been cancelled. No new matter has been added.

The Amended Claims Are Not Obvious

According to the Examiner, claims 1-3, 5, and 7-9 are unpatentable under 35 U.S.C. § 103 over Mardiguian (AU-B-70519/81) in combination with Mardiguian (U.S. Patent No. 6,384,021), Mardiguian (U.S. Patent No. 4,440,926), Galezowski et al., *Homoconjugated hydrogen bonds with amidine and guanine bases*, J. Chem. Soc. Faraday Transactions 93(15): 2515-2518 (1997), and Weitz et al. (U.S. Patent No. 6,075,013). (Office Action, pages 2-3.) The Examiner states, *inter alia*, that U.S. Patent No. 6,384,021 discloses compositions comprising sulfated polysaccharides of heparin with an anti Xa activity in the range of 94-150 IU/mg. (*Id.*, page 3.) Specifically, according to the Examiner, U.S. Patent No. 6,384,021 discloses compositions comprising sulfated polysaccharides of heparin with an anti-Xa activity in the range of 100-120 IU/mg. (Office Action mailed July 30, 2002, page 5.) Consistent with this assertion, the Examiner indicates that the rejection of claim 4 is withdrawn. (Office Action, page 3.) Accordingly, claim 4, which recites a composition comprising sulfated

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

polysaccharides of heparin with an anti-Xa activity in the range of 125-150 IU/mg, would be allowable if not for its dependence on a rejected base claim. (*Id.*)

Applicants have amended claims 1 and 2 to incorporate the limitation "an anti-Xa activity in the range of 125-150 IU/mg" from claim 4. Because the references relied on by the Examiner neither teach nor suggest compositions meeting this limitation, Applicants respectfully request the withdrawal of the rejection of claim 1 and 2 (and claims 3, 5, and 7-9 which depend therefrom). Moreover, Applicants request the withdrawal of the objections to claims 6, 38, 41, and 44 because those claims no longer depend from rejected base claims. The objection to claim 4 is moot in view of the cancellation of that claim.

CONCLUSION

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 1-3, 5-16, and 18-46 in condition for allowance. Applicants submit that the proposed amendments of claims 1, 2, 3, and 26 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Finally, applicants submit that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.


Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

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By:


William L. Strauss
Reg. No. 47,114

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com